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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/365,243 07/30/99 SLATTERY T 7442.0010

QM12/0808

 EXAMINER

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HARRIS, C

 ART UNIT PAPER NUMBER3713 *3*

**DATE MAILED:** 08/08/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/365,243	SLATTERY ET AL.	
	Examiner Chanda L. Harris	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - a) All    b) Some \* c) None of the CERTIFIED copies of the priority documents have been:
    1. received.
    2. received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
    3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

#### Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 18) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. Drawings have been objected to by the Draftsperson as being informal.

See the attached Notice of Draftsperson's Patent Drawing Review (PTO-948).

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2,5,11,14,17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what is inferred by server/controller. Server and controller? Server or controller (one or the other but not both)? Or, server and at least one controller, etc.? Applicant is required to specifically define the subject matter being claimed pertaining to server/controller in the aforementioned claims.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. **Claims 1-4, 7-10, 13-16, 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hitchcock et al. (U.S. Patent No. 5,823,781).**

6. Hitchcock discloses [Claims 1,3-4,7,9-10,13,15-16,19-21]:

-a user computer for accepting device control information regarding controlling the device for the purposes of training:

The present invention provides a system that diagnoses a user's personal learning needs, provides individual learning prescriptions that guide training through a choice of curricula, provides desk top delivery of the curricula, and measures before and after the results of the training. The present invention includes a software distribution engine that drives a series of software programs to enable the integrated learning support system. The present invention can be continuously updated and refreshed to match updates to the computer software applications. Col.3: 29-39.

-a device controller remotely connected to the user computer, including means for receiving device control information, and means for transferring the device control information to the device:

Herein, the term "computer software application" means any computer-based operations involved in performing the user's job. Computer applications include, (for example, standard computer applications (such as Lotus Notes, Windows, Microsoft Word, Excel, etc ...), specialized computer applications written by the company for its employees to use), and Internet applications. Computer applications further include network infrastructure configurations to encompass, for example, the use of printers, the use of routing in the network, and other operations performed over the network. It should be understood that the present invention can be used for a variety of computer software applications and network configurations. Col.3: 56-4:2

7. Hitchcock discloses a means for receiving access information sent by the user from the user computer, and means for transferring information to the device controller regarding user access [Claims 2,8,14]: "For example, by accessing the stored data, the feedback 20 can provide reports detailing how

many job aids have been downloaded, how many times dynamic help has been accessed, and how many CBT modules have been completed by each user accessing the electronic mentor system" (Col.6: 15-21).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 5-6, 11,17-18, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchcock.**

10. Hitchcock does not expressly disclose a firewall between the Internet and device controller or a means for transferring information to the firewall regarding permitting the user to access the device controller [Claims 5,11,17]. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hitchcock's invention to include such limitations for the purpose of regulating access and preserving propriety of devices or applications.. Moreover, using firewalls between the Internet to regulate user access to particular applications or devices is old and well known in the art.

11. Hitchcock discloses a mentor computer to receive information transferred from the user computer to the device [Claims 6,18,22]:

In another example, if the measurement 18 indicates that the organization as a whole has a low proficiency rating in the use of network resources, this information can be sent to the organization. The organization can then decide to

create a special class that can be accessed through the mentor. Alternatively, the organization can send out a bulletin over the electronic mentor noting the deficiency and encouraging (or requiring) users to begin the treatment prescribed by the electronic mentor by a specified date. Col.6: 34-43

However, Hitchcock does expressly disclose a wiretap. Though, the measurement software program described in Hitchcock (Col.5: 65-Col.6: 10) can be a type of wiretap. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hitchcock's invention to include a wiretap for the purposes of providing feedback and monitoring user progress.

#### ***Citation of Pertinent Prior Art***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

\*Lemelson et al. (U.S. Patent No. 5,823,788)

-interactive educational system and method

\*Shapiro et al. (U.S. Patent No. 4,715,818)

-computer training system

\*Goren (U.S. Patent No. 5,782,642)

-interactive video and audio display system network interactive module interface

\*Matt (U.S. Patent No. 4,295,831)

-computer programming training device

\*Wackym (U.S. Patent No. 4,652,240)

-interactive training system

\*Sangster (U.S. Patent No. 4,609,358)

-video training system for simultaneously training a plurality of students

\*Shapiro (U.S. Patent No. 4,785,472)

-remote teaching system

\*Hoehn-Saric et al. (U.S. Patent No. 5,915,973)

-system for administration of remotely-proctored, secure examinations and methods therefor

\*Lee et al. (U.S. Patent No. 6,064,856)

-master workstation which communicates with a plurality of slave workstations in an educational system

\*Greenberg et al. (U.S. Patent No. 5,170,362)

-redundant system for interactively evaluating the capabilities of multiple test subjects to perform a task utilizing a computerized test system

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Chanda L. Harris  
Examiner  
Art Unit 3713

*ch.*

ch.

August 2, 2000

*Valencia Martin-Wallace*

VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700